

Clean copy of Open Space related edits in ULDC – Sept. 11, 2019 Draft

Sec. 403.02. - Establishment of zoning districts.

...

(b) Usable pervious open space shall be provided on at least **10** percent of a development site **consistent with Chapter 407, Article V, Open Space**. Natural and landscaped open spaces or transitional development and design practices shall be provided to adequately integrate development along the edges of different land use categories Standards for landscaping design practices and criteria for the required open space are provided in article IV and article V, respectively, of [chapter 407](#).

Sec. 403.10. - Multifamily residential requirements.

...

- (d) A minimum of five percent of the development shall be designated for developed recreation ~~open space~~, such as community fields, greens, plazas, squares or outdoor sports facilities.

Sec. 403.22. - Manufactured/mobile home park (RM) district.

...

(7) *Required recreational area.* A minimum of five percent of the development shall be designated for developed recreation, such as community fields, greens, or outdoor sports facilities. Such recreation area shall be designed for use by residents of the development.

Sec. 405.07. - Design standards for developments other than TNDs or TODs in activity centers.

(b) Stormwater facilities.

- (1) The design and construction of stormwater facilities shall be in accordance with Article IX, Stormwater Management, of [Chapter 407](#) and other applicable regulations, ordinances, resolutions and rules. The stormwater management system shall also be consistent with applicable activity center Master Plans, special area studies and the standards herein.
- (2) A stormwater plan will be required as part of an activity center master plan. The stormwater plan shall provide data on the stormwater retention needs for the entire master plan area (minimum of one quadrant within the activity center) at build out conditions, and provide a mechanism for shared stormwater facilities, where feasible.
- (3) Surface stormwater facilities shall be designed to provide a physical or visual amenity within an activity center or as an aesthetic feature to resemble natural areas with native landscaping, consistent with **Article IV, Landscaping and** Article IX, Stormwater Management, of [Chapter 407](#) of this ULDC.
- (4) The use of shared stormwater facilities to accommodate multiple developments within the activity center is encouraged.

...

(g) *Open space.*

- (1) Open space shall be provided **for** an activity center site in accordance with **Chapter 407, Article V, Open Space**, of this ULDC. The required open space may be provided on a site-by-site basis through the development review process, or on an overall activity center basis through the use of the activity center master planning process.
- (2) Land designated for open space shall be accessible from all areas of the activity center.

405.07(h)(3) [Language related to Civic space was deleted].

...

~~(3)~~ *Removed*

Sec. 406.03. - Use of sound environmental practices.

(d) *Eligibility for planned development with transfer of development (PD-TDR).*

- (1)...(h) A minimum of 50 percent of the combined acreage of the sending and receiving parcels shall be permanently set aside as open space on the sending parcel. Additionally, at least **10** percent of the receiving parcel shall **meet** open space requirements on the PD master plan consistent with **Chapter 407, Article V, Open Space**.

Sec. 407.43.2. - Landscape design of stormwater management facilities.

- (a) Stormwater management facilities shall be designed to resemble natural areas in form and function, and shall be consistent with Article IX, Stormwater Management, of this chapter.
- (b) Stormwater management areas shall be landscaped with native species of trees, shrubs, and perennials appropriate to the function as a wet or dry basin.
- (c) The basin and the landscaping area shall be designed to:
 - (1) Be an integral part of the overall development as a physical or visual amenity that provides:
 - a. Usable public or civic space; or
 - b. An aesthetic focal point or feature, such as a pond, creek or other water feature, utilizing curvilinear shapes and a diversity of appropriate plant species.
 - (2) Preserve existing tree groupings.
 - (3) Include canopy trees spaced no more than an average of every 35 linear feet around the basin perimeter.
 - (4) Maintain at least 25 percent of the area of the basin, including the shoulders and maintenance area, using native landscape plantings, excluding sod.
 - (5) Be integrated with the landscape or planting plan for the site.
 - (6) Identify areas for access for normal and routine basin maintenance. Landscape plantings shall not reduce the width of the required maintenance access.

ARTICLE V OPEN SPACE

Sec. 407.51. - Purpose

This article implements the open space policies contained in the **F**uture **L**and **U**se and **C**onservation and **O**pen **S**pace **E**lements of the Alachua County Comprehensive Plan and provides for open space areas

designed to **permanently preserve public open space within developments that** protects natural resources, **provides recreation, and augments the community network of bicycle and pedestrian infrastructure.**

Sec. 407.52. Minimum Open Space Requirement

Open space shall be provided on at least **10** percent of every development, **except as specified in Section 407.56,** and shall be delineated on all development plans and plats. Within rural clustered subdivisions, as described in **section 407.77(b)** of this chapter, open space shall be provided on at least 50 percent of a development. Open space requirements are not intended to diminish other conservation requirements in Chapter 406. **Prior to Preliminary Development Plan submittal, an applicant shall consult with staff to identify the most appropriate portion of the development site to be designated as open space.**

Sec. 407.53. Conservation Open Space

When land development involves a parcel that contains any of the conservation areas **or significant habitat** listed **below,** the open space requirements shall first be fulfilled with these areas and the required buffers:

(a) *Conservation areas **consist of:***

- (1) Wetlands;
- (2) Surface waters within private ownership;
- (3) 100-year floodplains;
- (4) Listed species habitat;
- (5) Strategic ecosystems; and
- (6) Significant geologic features.

(b) **Significant habitats described in Article 3, Chapter 406**

Sec. 407.54. Non-Conservation Open Space

After conservation areas and associated buffers have been set aside as open space, any remaining required open space **shall be one piece of contiguous land, at the periphery of the development to allow for connection to adjacent open space, public parks, or community networks of bicycle and pedestrian infrastructure, except as specified in Section 407.55. The Open Space shall be located to best meet the following goals:**

- (a) **Augment required conservation and habitat areas**
- (b) **Provide accessible open space in the form of community gardens, community fields, greens and pocket parks.**
- (c) **Promote greater accessibility, resource protection, and connectivity by being contiguous or linked through multiuse paths to greenways, trails, public parks, and Open Space on adjoining parcels.**

Sec. 407.55. Exceptions to Open Space Location

Projects may deviate from the requirement of one contiguous non-conservation open space location at the periphery of the development subject to the limited exceptions below:

- (a) **Depending on the size and shape of the development, additional open space locations may be warranted where proposed residential lots within the subdivision are located further than one-half mile from a single designated open space location.**

- (b) There are no adjacent undeveloped lands or designated open space areas and, based on site conditions, open space is more appropriately located internal to the site.
- (c) There is an opportunity for the open space to link to a designated greenway.
- (d) Cottage Neighborhoods per Section 407.155.
- (e) Projects not meeting the specifications above may submit an alternative compliance request as part of a Preliminary Development Plan per Section 407.59.

Sec. 407.56. Projects Not Requiring Non-Conservation Open Space

The following types of development are not required to provide Open Space beyond the protection of conservation areas, as identified in Section 407.53. However, pedestrian and/or bicycle connections between designated greenways shall still be required, when applicable:

- (a) Nonresidential developments;
- (b) Family Homestead Subdivisions, as in Section 407.75;
- (c) Rural Agriculture Subdivisions with Unpaved Roads, as in Section 407.76; and
- (d) Communications towers, major utilities, and outdoor recreation.

Sec. 407.57. Access to Open Space

- (a) Required open space shall be accessible and marked formally at the entrances with explanatory signs describing its function and purpose. Access to open space shall be provided in the form of pedestrian and/or bicycle paths that connect the open space to the transportation network, any mowed path around stormwater facilities, and open spaces parks and community networks of bicycle and pedestrian infrastructure on adjacent properties. These paths shall be shown clearly on the development plan, maintained, and formally marked. When agricultural activities comprise part or all of the open space within a rural/agriculture clustered subdivision, accessibility to these areas is not required.
- (b) For purposes of this section, the following factors shall be considered in determining whether the open space is useable and accessible:
 - (1) Areas useable for passive recreation such as walking, picnicking, wildlife viewing and similar activities shall be considered accessible for purposes of this requirement;
 - (2) Wet and natural areas that are not directly or easily accessible may be considered to meet the requirements of this section if they can be viewed easily from adjacent land areas that are also part of the open space system;

Sec. 407.58. - Protection and Maintenance of Open Space

- (a) All open space areas shall be managed according to the approved Open Space Management Plan and remain undeveloped.
- (b) Open space areas shall be defined in detail on the development plan and delineated on plats. It shall be a condition of all development approval that such open spaces shall remain as shown on the development plan or plat, shall remain useable and accessible as required by this article, and shall be maintained accordingly. Any failure to abide by this condition shall be deemed a violation of the development plan or plat.
- (c) All conservation areas including those that contribute towards the required open space shall be identified and protected in accordance with Chapter 406 of this ULDC.
- (d) Where deemed necessary to ensure the protection or accessibility of the required open space, the approval of the development may be conditioned on the open space being protected by easements,

restrictive covenants, or other legally enforceable instruments that run with the land. All such restrictions shall be recorded in the public records of Alachua County.

- (e) A responsible entity, which may include the owner, a property owner's association, the county, another public agency or a non-profit organization, shall be designated to be responsible for maintaining the open space in a manner that is consistent with **the approved management plan** and the purpose for which it was created, **and all applicable county requirements**.

Sec. 407.59. - Alternative Compliance

- (a) The provisions of this article shall be liberally construed to effectively carry out the purpose and the intent of the comprehensive plan and of this article in the interest of the health, safety and welfare of the residents of the county.
- (b) An applicant may submit an **alternative compliance** open space plan **to the Alachua County Board of County Commissioners** which varies from the strict application of the requirements of this article in order to accommodate unique site features or characteristics, to provide specialized open space amenities, or to take advantage of innovative design. In no event, however, shall there be variation from the requirement to provide a minimum of **10** percent of the development site as open space.
- (c) An alternative compliance open space plan may be approved only upon a finding that it fulfills the purpose and intent of the comprehensive plan and of this article as well as or more effectively than would adherence to the strict requirements.
- (d) In evaluating proposed alternative compliance plans for open space areas, considerations shall be given to proposals which preserve native vegetation, incorporate low impact development techniques, use **resilient** landscape design principles, and where the design ensures preservation of the maximum existing vegetation on the site.

Sec. 407.63. - Development Concepts

- ... (d) *Common areas.* Each TND or TOD shall be designed to provide at least five percent developed common area such as plazas, squares, parks or greens. These common areas shall be dispersed throughout the development and shall be designed at a scale appropriate for the surrounding development. Common areas shall be in addition to any Open Space required in Article V, Open Space and shall not include stormwater management facilities.

Sec. 407.70. - Open Space and Landscaping

- (a) *Open space.* Open Space shall be provided on at least **10** percent of any TND or TOD consistent with Article V, Open Space.
- (b) *Landscaping*
 - ...(5) *Landscape design of stormwater management facilities.* All surface stormwater management facilities located within the village center area of TNDs and TODs shall be designed to meet the criteria of [Chapter 407](#), Article IX, Stormwater Management Facilities. Landscaping shall be provided consistent with [section 407.43.2](#) of this chapter.

Sec. 407.77. - Rural/agriculture clustered subdivision.

Clustering of rural residential development is encouraged in order to protect natural and historical resources, retain viable agriculture, minimize land use conflicts, provide for recreational and habitat corridors through linked open space networks and achieve flexibility, efficiency and cost reduction in the provision of services and infrastructure.

- (a) *Establishment.* All rural/agriculture clustered subdivisions shall comply with the requirements of this section. The submission requirements and review procedure for rural/agriculture clustered

subdivision development plans shall be in accordance with [chapter 402](#), [chapter 406](#), and [section 407.74](#).

- (b) *Open space requirements.* A minimum of 50 percent open space shall be provided in all rural/agriculture clustered subdivisions. Open space areas shall be established consistent with [article 5](#), Open Space, of this chapter.

(1) *Uses.*

- a. Permitted uses in the open space area may include:

- i. Natural resource conservation areas;
- ii. Non-intensive agriculture, as defined in [Chapter 410](#);
- iii. Common open space;
- iv. Resource-based recreation uses which maintain the undeveloped area in a natural state;
- v. Common water supply systems and common septic system drainfields consistent with Article XI, Water and Wastewater Service, of this chapter;
- vi. Common renewable energy systems;
- vii. One residential unit used as a homestead immediately prior to the creation of the rural/agriculture clustered subdivision can continue to be used as a homestead within the open space area and will not be counted toward the total number of units allowed in the rural clustered subdivision.

- b. Prohibited uses in any rural/agriculture clustered subdivision include the more intensive agriculture uses such as concentrated animal density generally associated with milking barns, feed lots, chicken houses, or holding pens. ...

[Sec. 407.92. - Relationship to project design.](#)

(a) *General.* Stormwater areas shall be designed in the context of the site design for the entire subdivision or other development. Careful consideration shall be given to the layout of basins and stormwater management areas to optimize treatment, aesthetics, and groupings of trees. Basins and stormwater management systems shall be designed to blend into public open spaces and shall resemble natural areas to the greatest extent possible.

(b) *General design criteria.*

(1) An area equivalent to at least 25 percent of the area of the entire basin, including the shoulders and maintenance area, shall be landscaped using native vegetation, excluding sod. In addition, a minimum of one shade tree shall be planted for every 35 linear feet, or part thereof, of basin perimeter. Spacing of trees may be closer when trees are planted in groups for aesthetic effect. Certified apparently weed free sod shall be used.

(2) Retention/detention basins shall be of irregular shape and shall have no parallel sides, unless approved by the county engineer, in which case additional landscaping and barriers may be required.

(3) When possible, the inflow and outflow locations of basins must be located on opposite ends of the basin to provide for optimal treatment. Flow paths and mixing within basins shall be maximized. For wet-detention systems, the length to width ratio shall be 2:1, which may be accomplished through the use of a diversion structure.

(4) Erosive velocities shall be reduced through the use of adequate controls.

(5) For all other stormwater management areas that do not include basins, a vegetated buffer at least 25 feet wide shall be included in the design if the area is to be considered a common open space. Buffers

shall include one shade tree for every 35 linear feet, or part thereof, of project perimeter or length. Spacing of trees may be closer when trees are planted in groups for aesthetic effect. Native vegetation shall be used.

(6) Drainage easements provided for swales that convey stormwater runoff between two privately owned lots shall be designed and be of sufficient width to adequately convey runoff to the stormwater master basin. Stormwater conveyance swales must be located entirely within these easements.

(c) Fenced basins.

(1) The following basin design conditions will require fencing:

a. Basins with a depth greater than four feet, as measured from the basin bottom to the control elevation, with slopes steeper than 6H:1V.

b. Basins without a controlled outfall, if the design high-water elevation for the design storm is greater than four feet and the side slopes are steeper than 6H:1V, except where the side slopes are shallower than 6H:1V to a depth that is at least four-foot lower than the design high-water elevation.

c. Wet detention basins with a normal pool depth six feet or greater, except where the side slopes are shallower than 6H:1V to a depth that is at least four-foot lower than the permanent-pool elevation.

d. All fences must be a minimum height of four feet and have a 14-foot-wide gate that allows easy access for maintenance equipment.

(2) Basins that require a fence and are to be dedicated to the county for maintenance will require a minimum 12-foot maintenance and vegetative strip between the fence and the basin. The landscaped area should be no less than nine feet wide at its most narrow point. Maintenance strips shall have a maximum slope of 8H:1V.

(3) Fencing will be aesthetically pleasing and meet all safety requirements as put forth by the Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System. If chain-link fencing is used, an additional area five-foot wide area outside the fence shall be landscaped with at least three shade trees, two understory trees, eight large shrubs, and thirteen small shrubs for every 100 feet or part thereof of fencing. A minimum of 50 percent of the vegetation shall be native and only certified apparently weed-free sod shall be used.

(4) The following basin design conditions do not require fencing:

a. Basins with a depth less than or equal to four feet, as measured from the basin bottom to the control elevation.

b. Basins designed to be "dry" with side slopes no steeper than 6H:1V, regardless of basin depth.

c. Wet detention basins with a maximum pool depth less than six feet and side slopes no steeper than 6H:1V to a depth of four feet below the control elevation. From this elevation to the basin bottom a maximum side slope of 2H:1V is permissible.

Sec. 407.155. Design (Cottage Neighborhood)

▪ **Common Green**

Each Cottage Neighborhood shall have a Common Green. The Common Green may be counted toward the Open Space required consistent with Section 407.54, **Non-Conservation** Open Space. The Common Green shall be designed to meet the following:

1. The Common Green shall include at least 400 square feet per unit.
2. The Common Green shall be centrally located within the development.
3. The Common Green may include stormwater management facilities incorporating low impact designs or facilities as long as a minimum of 400 square feet per dwelling unit is usable by the residents for active or passive recreation.
4. Amenities such as community greens, benches, and pavilions are allowed in the common green.